

**CHARLOTTE SELECTBOARD
MINUTES OF MEETING
TOWN HALL
AUGUST 14, 2017**

APPROVED

SELECTBOARD MEMBERS: Lane Morrison, Chair; Frank W Tenney, Carrie Spear, Matthew Krasnow, Fritz Tegatz (arrived at 7:26 p.m.).

ADMINISTRATION: Dean Bloch, Town Administrator.

OTHERS: Mary Mead, Eliza Bedell, Patrice DeMarco, Kathy Gallagher, Joe Gallagher, Peter Demick, Linda Samter, Tom Hengelsberg, Jason Hackerman, Ed Cafferty, Ben Mason, Eddie Krasnow, Michael Krasnow, Michael Bedell, Susanna Kahn, Peter Kahn, Peter Schubart, Hugh Lewis Jr., Stanley Lane, and others.

5:30 PM Site visit: Thompson's Point—field maintenance on both sides of Thompson's Point Road

5:45 PM Site visit: Town access on Lane's Lane (between 265 & 315)

6:15 PM Site visit: Proposed access on One Mile Road, adjacent to Half Mile Road (for KR Properties application)

6:30 PM Site visit: Proposed access on Mt. Philo Road (for KR Properties' application)

AGENDA ITEMS:

- 7:10 PM Town Hall and Library cleaning contract
- 7:15 PM Turn the Town's Teal
- 7:20 PM Thompson's Point lease for Lot 203, 153 Lane's Lane: Terminate lease to Stanley P. and Gayle L. Lane Approve new 20 year lease to Benjamin and Anne Mason
- 7:30 PM KR Properties—application for a Highway Access Permit (HAP-17-06)
- 7:35 PM KR Properties—application for a Highway Access Permit (HAP-17-07)
- 7:40 PM Brush-hogging on Thompson's Point
- 7:45 PM Lane's Lane access
- 8:15 PM Lane's Lane wastewater
- 8:25 PM Municipal Infrastructure Development Process
- 8:35 PM Appointment of Dean Bloch as the town's representative to the Transportation Advisory Committee (a sub-committee of Chittenden County Regional Planning Commission)
- 8:40 PM Appointment of Marty Illick as the town's representative to the Clean Water Advisory Committee (a sub-committee of Chittenden County Regional Planning Commission)
- 8:45 PM Minutes: July 24, July 31
- 8:50 PM E-mail distribution to Selectboard

CALL TO ORDER

Mr. Morrison, Chair, called the meeting to order at 7:00 p.m.

ADJUSTMENTS TO THE AGENDA

None.

PUBLIC COMMENT

Patrice DeMarco, Palmer Lane resident, asked to have the East Thompson's Point Road hops farm on a Selectboard agenda. A letter was sent to the Selectboard with neighborhood concerns, said Ms. DeMarco.

Linda Samter, Big Oak Lane resident, expressed concerns regarding the hops farm. She had met with the Planning Commission and the Zoning Administrator seeking assistance to address issues with the proposed farm. Work is occurring quickly at the farm and there have been zoning violations, stated Ms. Samter.

Mr. Morrison asked staff to add the issue to the August 28, 2017 Selectboard agenda at 7:00 p.m.–8:00 p.m. Interested parties will have an opportunity to express concerns/comments. The neighbors, farmers, Department of Agriculture representatives and Vermont Land Trust representatives should be invited, said Mr. Morrison.

Mr. Krasnow asked if Mr. Tenney, as the Zoning Board of Adjustment Chair (ZBA), could speak to the issue of the violations. Mr. Tenney explained a process that Land Use Regulation violations were reviewed and handled by the Zoning Administrator (ZA). Anyone can appeal a ZA decision to the ZBA, and appeal a ZBA decision to the Environmental Court, said Mr. Tenney.

Mr. Bloch reported that the ZA has reviewed the location of a farm structure located in a setback and activity around an existing wastewater system. The ZA talked with the farmer and did not issue a notice of violation. The ZA did give the farmer one month to move the shed, or obtain a set back waiver letter from the Department of Agriculture Secretary. The intent of the farm operator is to move the structure out of the setback from East Thompson's Point Road, said Mr. Bloch.

Michael Bedell, resident, said that he understood that the farmer intended to seek a variance.

Peter Schubart, resident, explained that as per state statute, a waiver must be requested before building a structure. There is no provision for an 'after the fact' waiver in state statutes, said Mr. Schubart.

Mr. Krasnow asked if the neighbors had sent a letter to the Department of Agriculture regarding the setback violation and concerns related to the ponds. Mr. Bloch pointed out that the Town does not regulate agricultural ponds.

Ms. Samter said that the farmer didn't contact the ZA regarding the farm structures. Mr. Tenney explained that the farmer should have submitted a detailed site plan to the ZA.

Mr. Krasnow asked Mr. Tenney, as ZBA Chair, to confer with the ZA. There is a question regarding who is in charge of the conservation easement. The Town should invite all the appropriate organization representatives to attend the Selectboard meeting, said Mr. Krasnow.

Peter Demick, Palmer Lane resident, asked the Selectboard to schedule a site visit to the hops farm, and to invite the Department of Agricultural, Vermont Land Trust, and state pesticide and herbicide representatives.

SELECTBOARD UPDATES

Mr. Morrison reviewed an email received from Peter Trono, Elected Town Auditor, regarding open Town accounts at Aubuchon Hardware, Rice Lumber, and Tractor Supply.

Ms. Mead explained that the Town has two small accounts: the Aubuchon Hardware account allows Steve Williams, Nicole Conley, the Cemetery Commission and Jenny Cole from the Charlotte Park and Wildlife Refuge to purchase small supply type items, the practice is for the person/committee member to submit an invoice to the Town Clerk and it is paid. Hugh Lewis Jr, Charlotte Road Commissioner, uses the Rice Lumber account on occasion. She never approved, or set up an account at Tractor Supply and is not sure how it was done. There has never been any activity since it was set up in July of 2015. She will terminate it. She is not recommending any changes to the Aubuchon or Rice Lumber accounts, said Ms. Mead.

Mr. Morrison said that Mr. Trono suggested consolidating all the Town's tools in a single location. Ms. Mead agreed that a tool shed located at the Town Hall was a good idea as a best practice. The Town Clerk would control a shed key and could log in/out any tools, suggested Ms. Mead.

There was brief discussion regarding a small tool shed built in the architectural style of the Town Hall, and for staff to request current tool inventories from the committees.

Performance Reviews for Town employees was scheduled for Tuesday, August 29, 2017, at 2:00 p.m.-4:30/5:00 p.m.

TOWN HALL AND LIBRARY CLEANING CONTRACT

Mr. Bloch reviewed three bids received for the Town Hall/Library Cleaning Contract.

MOTION by Mr. Tenney, seconded by Mr. Krasnow, to award the Town Hall and Library cleaning contract to CBM Vermont for \$750 per month, starting August 15, 2017, and ending June 30, 2018.

VOTE: 5 ayes; motion carried.

TURN THE TOWNS TEAL

Mr. Morrison reported that the activity has been cancelled and no action was necessary.

**THOMPSON'S POINT LEASE FOR LOT 203, 153 LANE'S LANE:
TERMINATE LEASE TO STANLEY P. AND GAYLE L. LANE APPROVE NEW
20 YEAR LEASE TO BENJAMIN AND ANNE MASON**

MOTION by Mr. Tegatz, seconded by Mr. Tenney, to terminate the Thompson's Point lease for Lot 203, 153 Lane's Lane to Stanley P. and Gayle L. Lane, Tax ID #M-41-B50-L53.

FRIENDLY AMENDMENT by Mr. Morrison, to authorize the Charlotte Selectboard Chair to sign the termination document on behalf of the Town of Charlotte.

VOTE: 5 ayes; motion carried.

Mr. Morrison signed the lease termination document, witnessed by Carrie Spear, and notarized by Mary Mead, Town Clerk.

MOTION by Mr. Krasnow, seconded by Ms. Spear, to approve a new Thompson's Point 20-year lease to Benjamin and Anne Mason for Lot 203, 153 Lane's Lane, Tax ID #M-41-B50-L53, from the last day of December 2036, and to authorize the Charlotte Selectboard Chair to sign the new lease document on behalf of the Town of Charlotte.

VOTE: 5 ayes; motion carried.

Mr. Morrison signed the new 20-lease document, witnessed by Carrie Spear, and notarized by Mary Mead, Town Clerk.

**KR PROPERTIES—APPLICATION FOR A HIGHWAY ACCESS PERMIT
(HAP-17-06)****KR PROPERTIES—APPLICATION FOR A HIGHWAY ACCESS PERMIT
(HAP-17-07)**

Mr. Krasnow recused himself, noting that the KR Properties application involves family members.

MOTION by Ms. Spear, seconded by Mr. Tenney, to approve Highway Access Permit requests by KR Properties, HAP-17-06, and HAP-17-07 with conditions as recommended by the Charlotte Road Commissioner:

- Install a 18"X30' culvert
- Clearing of brush and trees as recommended
- Maintain a 3 percent slope for 30' to the Town Road.

DISCUSSION:

In response to a question, Mr. Lewis, Charlotte Road Commissioner, said that the conditions as stated were fine.

VOTE: 4 ayes, 1 recused (Mr. Krasnow); motion carried.

Mr. Krasnow rejoined the Selectboard.

BRUSH-HOGGING ON THOMPSON'S POINT

Mr. Morrison reviewed that a site visit this date was conducted. Present were Ms. Spear, Mr. Bloch and himself.

Following discussion Ms. Spear said that the Board should revisit two fields on the north side of Thompson's Point Road. There are trees growing in the fields and there are wetlands, noted Ms. Spear.

Mr. Lane, Lane's Lane resident, asked that the Town brush hog trees growing on the other side of the ditch in the Town right-of-way on Lane's Lane. Mr. Lewis explained that when the field is brush hogged then the trees can be cut. Mr. Morrison asked staff to contact Steve Williams regarding the field.

LANE'S LANE ACCESS

Mr. Morrison reported on a site visit conducted this date. Present were Ms. Spear, Mr. Bloch, Ms. Mead, an adjacent property owner, and himself. No action is necessary.

LANE'S LANE WASTEWATER

Mr. Morrison said that clarity is needed in the wastewater ordinance related to Lane's Lane.

Mr. Bloch reviewed that Mr. Tegatz has asked to have test pits dug to evaluate the soils on Lane's Lane, which has been done. Seasonally water comes up to within 6" of the surface, usually in March. Chris Galipeau, CEI, doesn't think it is a problem currently due to low usage and timing of the usage. There should be no interface between seasonal high water and sewage. There was discussion regarding the timing of connection to the Thompson's Point wastewater system within ten years of a new/renewal lease, reported Mr. Bloch.

Mr. Morrison reviewed a motion from the Selectboard minutes of July 24, lines 362-366 related to Section 302 requirements options.

Following discussion regarding the motion option language the Selectboard clarified:

- Line 362 – change to read: "...Section 302, that Lots 201-208 shall be connected to the Thompson's Point service area either:"
- Option 1 – change to read: "voluntarily." Delete "connect to the force main"
- Option 2 – change to read: "Mandatorily for Lots 202, 204, 205 and 207/208 when a lease is renewed or a new lease, or 10 years, which ever is longer"
- Option 3 – change to read "For Lots 201, 203, and 206, no later than 10 years from the date of the new updated ordinance language, subject to legal review..."

Ben Mason asked if he would have another year before having to connect if the force main is not installed this year. Mr. Morrison replied that if the force main is not installed this year it would go in the next year. The Ordinance will be revised next week. It is the ordinance language that governs when a leaseholder must connect, said Mr. Morrison.

MUNICIPAL INFRASTRUCTURE DEVELOPMENT PROCESS

Mr. Krasnow reviewed a written summary of a standardized approach to a proposed Municipal Infrastructure Development process. A draft policy will be presented at the next Selectboard meeting, said Mr. Krasnow.

There was discussion regarding a what a “significant” dollar number would be; for example a \$50,000 construction project proposed by a committee with a \$5,000 budget; lining up the process with a competitive bid process as outlined in the Purchasing Policy; and identified the Highway Department as an exception.

APPOINTMENT OF DEAN BLOCH AS THE TOWN’S REPRESENTATIVE TO THE TRANSPORTATION ADVISORY COMMITTEE (A SUB-COMMITTEE OF CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION)

MOTION by Mr. Krasnow, seconded by Mr. Tegatz, to appoint the Town Administrator as the Charlotte Representative to the Transportation Advisory Committee, a sub-committee of the Chittenden County Regional Planning Commission, to serve a two year term ending June 30, 2019.

DISCUSSION:

Ms. Spear asked the Town Administrator to send an informational summary of meetings for Selectboard review. Mr. Bloch replied that a summary of the Transportation Improvement Process when it includes Charlotte involvement would be presented.

Mr. Bloch suggested appointing Mr. Tegatz as an Alternate Representative.

AMENDMENT by Mr. Krasnow, seconded by Mr. Tenney, to appoint Fritz Tegatz as the Charlotte Alternate Representative to the Transportation Advisory Committee, a sub-committee of the Chittenden County Regional Planning Commission, to serve a two year term ending June 30, 2019.

VOTE: 5 ayes; motion carried.

APPOINTMENT OF MARTY ILLICK AS THE TOWN’S REPRESENTATIVE TO THE CLEAN WATER ADVISORY COMMITTEE (A SUB-COMMITTEE OF CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION)

MOTION by Mr. Tenney, seconded by Mr. Krasnow, to appoint Marty Illick as the Charlotte Town Representative to the Clean Water Advisory Committee, as sub-committee of the Chittenden County Regional Planning Commission and Krista Hoffsis as the Charlotte Town Alternate Representative to the Clean Water Advisory Committee, as sub-committee of the Chittenden County Regional Planning Commission, for terms from July 1, 2017 to June 30, 2019.

DISCUSSION:

Ms. Illick asked if the Selectboard had suggestions for focus areas. Mr. Tegatz suggested an educational focus on MS-4 towns. Ms. Illick explained that Charlotte is not an MS-4 town. Currently Charlotte is “stormwater non-impaired.” It takes a lot of money to restore impaired stormwater systems. There is an improved educational

process today versus 10 years ago. Charlotte should pay more attention to build-out, said Ms. Illick.

Mr. Krasnow asked how agricultural field drainage tiles ties into the discussion. Ms. Illick replied that it is a management of drainage areas that flow into the Lake and capacity of streams.

Mr. Tegatz pointed out the Thompson's Point Road farm run-off resulted from the farmer changing the field drainage that increased runoff into a Town right-of-way/ditches. This gives the Town the authority to handle issues municipally, said Mr. Tegatz.

Ms. Illick said that if the Town can track run-off then we could identify the correct action and who does it. For example, the Big Oak Lane development is now impacting stream load. There was no state funding at the time. The Planning Commission could have conditioned approval of the development regarding containment of run-off. A plan could be to measure surface area and flows of drainage areas, explained Ms. Illick.

VOTE: 5 ayes; motion carried.

Mr. Bloch asked Ms. Illick to e-mail information to staff.

MINUTES: July 24, July 31

MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to approve the July 24, 2017 Charlotte Selectboard minutes as written, with corrections/additions:

- Page 7, Line 271 – change to read: "...to do a test pit on the Town's Lane's Lane..."
- Page 8, Lines 343-347 – delete the paragraph
- Page 10, Line 439 – add "10:10 p.m." and Line 445 – add "10:15 p.m."

VOTE: 5 ayes; motion carried.

MOTION by Mr. Tegatz, seconded by Ms. Spear, to approve the July 31, 2017 Charlotte Selectboard minutes as written, with the adjournment time of "8:45 p.m."

VOTE: 5 ayes; motion carried.

OTHER BUSINESS

Future Agenda items:

- Selectboard meeting August 28, 2017 – add East Thompson's Point Road Hopps Farm site visit at 5:30 p.m., hearing at 7:00 p.m.-8:00 p.m.
- Selectboard meeting August 28, 2017 – Highway Access Permit request by Scott Hardy, Mt Philo Road, site visit 6:00 p.m., hearing at 6:45 p.m.
- September Selectboard meeting – Orthodontia Insurance Rider

Mr. Tegatz suggested considering a condition that the hopps farm ponds are to be lined, covered, or contained so that the ponds can not flow into Town rights-of-ways, or ditches. There is no Town ordinance in place, however legal action is an option. Liam

Murphy has said that when the state took over the septic rules it also included water, said Mr. Tegatz.

Mr. Morrison noted that the two farm ponds provide only 5 percent of the water needed for the hoppers. The Department of Agriculture oversees agricultural water supplies. The Town could offer to mediate between the two parties, said Mr. Morrison.

Mr. Krasnow suggested that the ponds could be monitored for run-off and pollution.

Mr. Bloch reported that the farmers wrote a letter and addressed items point-by-point.

E-MAIL DISTRIBUTION TO SELECTBOARD

There was discussion regarding a request by Ms. Spear to have the Town Administrator forward e-mails for Selectboard review. Mr. Bloch explained that Town e-mails were public information. There are concerns that the request for all e-mails will impact the amount of time spent forwarding 50-60 emails daily, that most e-mails involved a back-and-forth of gathering information that is not in a finalized form, and quorum issues created when more than 3 Selectboard members are added to the e-mails, which creates a “public meeting” without warning it, pointed out Mr. Bloch.

Ms. Spear said she would like to read Peter Trono’s e-mails. She has concern that e-mails to the Town Attorneys were inflating the legal fees, said Ms. Spear.

Mr. Tegatz said that in mediation discussion e-mails there are confidentiality issues.

Ms. Spear said that she would request certain subjects related to Selectboard committee liaisons.

APPROVE WARRANTS TO PAY BILLS

The Selectboard members reviewed and signed warrants to pay bills.

ADJOURNMENT

MOTION by Mr. Tenney, seconded by Ms. Spear, to adjourn the meeting.

VOTE: 5 ayes; motion carried.

The meeting was adjourned at 9:11 p.m.

Minutes respectfully submitted, Kathlyn L. Furr, Recording Secretary.